

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN LISCHEFSKI,

Plaintiff,

No. CIV S-05-0271 FCD JFM P

vs.

LT. SWEIGERT, et al.,

Defendants.

ORDER

\_\_\_\_\_/

Plaintiff is a state prisoner proceeding pro se. This civil rights action was closed on July 17, 2006. On August 14, 2006, plaintiff filed a document styled "Motion to recover damages [sic] for improperly implied filing fees to indigent." By this document, plaintiff contends that the California Department of Corrections improperly applied to payment of the filing fee for this action money sent by plaintiff's mother to cover the cost of shipping property that plaintiff was not allowed to possess at his prison facility, resulting in the destruction of the property due to insufficient funds to pay the shipping costs. Pursuant to the provisions of 28 U.S.C. § 1915(b), upon the filing of this action plaintiff became obligated to pay the full amount of the federal court filing fee in accordance with the provisions of that statute. The court has no authority to relieve plaintiff of this obligation. To the extent that plaintiff's motion concerns alleged destruction of his personal property, it is not cognizable in this closed action.

1 On September 24, 2007, plaintiff filed a document styled as a motion for  
2 appointment of counsel and "Motion for good cause." By this document, plaintiff is apparently  
3 attempting to challenge proceedings in a Washington state court concerning a dependent child  
4 and proceedings in a California state court concerning payments pursuant to the Uniform  
5 Interstate Family Support Act. As noted above, this action was closed on July 17, 2006. The  
6 allegations raised in plaintiff's September 24, 2007 filing are not cognizable herein. In addition,  
7 plaintiff is advised that no further action will be taken on the documents filed by plaintiff since  
8 the closing date and no orders will issue in response to future filings.

9 IT IS SO ORDERED.

10 DATED: October 10, 2007.

11  
12   
13 UNITED STATES MAGISTRATE JUDGE

14 12  
15 lisc0271.58  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26